



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA

v.
LINDA WOOLF, and
DAVID GENGLER

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No. 1:08cr12

ORDER

The matter came before the Court for a hearing on defendants' joint motion *in limine* to exclude evidence of defendants' statements made to customers outside of Virginia (Docket No. 109). Specifically, defendants alleged that their statements made outside of Virginia, because they were not made to "the alleged victims . . . identified by the government" and "were not necessarily repeated during the Virginia seminars that form the basis of the charges in the Indictment," are irrelevant pursuant to Rule 402, Fed. R. Evid. Defs. Mem. in Supp., at 2.

Defendants' motion misapprehends the scope of the crimes charged. Specifically, Count One alleges that defendants engaged in a conspiracy to commit wire and mail fraud, in violation of 18 U.S.C. §§ 1341, 1343, and 1349, "within the Eastern District of Virginia *and elsewhere . . .*" Indictment, at ¶ 11 (emphasis added). Further, the Indictment specifically sets forth, as overt acts in furtherance of the conspiracy, material false representations and omissions by defendants in locations including, *inter alia*, (i) Tampa, Florida; (ii) Portland, Oregon; (iii) New Orleans, Louisiana; (iv) San Francisco, California; (v) Jackson, Tennessee; and (vi) Oklahoma City, Oklahoma. *See id.*, at ¶ 28. Moreover, the remaining fourteen counts charge defendants with specific counts of wire fraud, in violation of 18 U.S.C. §§ 1343 and 2, and the underlying conduct for each count includes a wire

transfer originated in Virginia and sent elsewhere. *See id.*, at ¶¶ 29, 30. Thus, it is clear that statements made by defendants to customers outside of Virginia may be relevant to the crimes charged in the Indictment. Accordingly, although any statement offered by the government must meet all other applicable evidentiary requirements at the time it is offered, a blanket pretrial prohibition on statements made by defendants outside of Virginia is unwarranted.

Accordingly, for the reasons stated from the Bench, and for good cause,

It is hereby **ORDERED** that defendants' joint motion *in limine* to exclude evidence of defendants' statements made to customers outside of Virginia is **DENIED**.

The Clerk is directed to send a copy of this Order to all counsel of record.

Alexandria, Virginia
December 3, 2008



T. S. Ellis, III
United States District Judge